

**CITY OF BRIDGEPORT  
ORDINANCE COMMITTEE  
SPECIAL MEETING  
OCTOBER 7, 2013**

**ATTENDANCE:** Richard Paoletto, Chair; Council President Thomas McCarthy;  
Steve Stafstrom, Lydia Martinez; Richard Bonney (5:41 p.m.);  
AmyMarie Vizzo-Paniccia (5:41 p.m.)

**OTHERS:** Max Perez, Atty. Ron Pacacha, Bern Tardy, Purchasing Agent;  
Council Member Susan Brannelly, Jody Paul, City of Bridgeport;  
City Atty. Mark Anastasi

**CALL TO ORDER**

Council Member Paoletto called the meeting to order at 5:40 p.m. A quorum was present.

**116-13 Council Review and Possible Revisions to the City's Purchasing and Procurement Ordinance, Chapter 3.08 City Contract and Purchasing Procedures.**

Atty. Pacacha said he submitted a proposed amendment for the ordinances in regards to emergency purchases. This is an attempt to tighten up the administrative rules.

*Council Members Vizzo-Paniccia and Bonney joined the meeting at 5:41 p.m.*

Atty. Pacacha said that the idea was to remove Section iii from the Qualified Purchases and move it to the Emergency Purchase section. This would require that a purchase that was being considered under emergency condition would have to go to the Mayor's Office for a bid waiver. This should help to improve the process and prevent contracting officers from using a delay to avoid public bidding.

Atty. Pacacha said that he had prepared an integrity disclosure affidavit that clarifies the employee had no vested interest and was not being pressured to do this. This would also satisfy the Ethics Committee. This affidavit is separate from the proposed ordinance.

**\*\* COUNCIL MEMBER STAFSTROM MOVED TO ADD THE DRAFT RESOLUTION TO THE RECORD AS EXHIBIT #1-116-12.**

**\*\* COUNCIL PRESIDENT MCCARTHY SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Atty. Pacacha then distributed copies of an Integrity affidavit gave a brief overview of a proposed Integrity Disclosure Affidavit.

**\*\* COUNCIL MEMBER STAFSTROM MOVED TO ADD THE PROPOSED INTEGRITY DISCLOSURE AFFIDAVIT TO THE RECORD AS EXHIBIT #2-116-12.**

**\*\* COUNCIL PRESIDENT MCCARTHY SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Council President McCarthy then gave a brief overview of the history of this ordinance. He said that it was his belief and intention to put this on the Ordinance Committee Agenda if re-elected. Council President McCarthy said that this proposed ordinance had been the result of many discussions about revising the Purchasing Ordinance.

Council Member Vizzo-Paniccia said that she did not want to rush into this because the session was ending. She said that there were still many unanswered questions regarding the airport debacle and did not want to rush into an ordinance change because of that debacle.

Council Member Vizzo-Paniccia had many questions about the Integrity Affidavit and how the discipline would be handled. Atty. Pacacha said that the discipline would be handled by Personnel and Employee Relations. Council Member Vizzo-Paniccia said that she felt that it needed to be more specific so there would be more accountability. She said that there were on-going situations where employees needed discipline and nothing was happening. Council President McCarthy disagreed, but added that he was not at liberty to discuss the situations. Atty. Pacacha said that with the City's experiences with qualified purchases over a year ago and a new internal controls had been instituted. Council Member Vizzo-Paniccia said that the Council Members have not been informed. Atty. Pacacha pointed out that it was an internal matter.

Council Member Martinez asked about how the other cities create ordinances. Atty. Pacacha said that the City had reached out to cities all over the country to review their procedures.

Council Member Martinez pointed out that the internal controls were in place, and it could be held up in Administration. Atty. Pacacha pointed out adding too many administrative reviews could delay the City from responding in a prompt manner. He then reviewed the appropriate section of the resolution.

Council Member Martinez asked what the timeline would be for an emergency and how long it would take to resolve the emergency. Atty. Pacacha said that an emergency would be something that would be a threat to health or safety. It would depend on the circumstances. Discussion followed.

Council Member Martinez asked what the emergency that was used for the Airport access road. Atty. Pacacha said that there was an FAA timeline. He also reminded everyone that there was nothing to stop someone from misleading the City.

### **RECESS**

Council Member Stafstrom moved to recess at 6:00 Council Member Paoletto called the meeting back to order at 6:06 p.m.

**116-13 Council Review and Possible Revisions to the City's Purchasing and Procurement Ordinance, Chapter 3.08 City Contract and Purchasing Procedures. CONT'D.**

*Atty. Mark Anastasi joined the meeting at 6:06 p.m.*

Council Member Brannelly reminded everyone that there was a major issue about massage parlors that happened at the end of a previous session and was allowed to die, only to be brought back in the next session and successfully passed. She asked if the City was certain that they had addressed every aspect of what could go wrong.

Atty. Anastasi explained that it was his understanding that there was an effort to separate out the procurements that were the result of time being critical. He reviewed the safeguards and said that the sign offs would be at the high levels such as OPM and CAO. Having senior management oversight would be an improvement since it now requires the CAO signature on procurements. The disclosure statement is a priority project and is moving forward with his office, Personnel, and Ethics.

Council Member Brannelly asked about the critical discussion of purchases not having paper trail was a major issue. Atty. Pacacha said that ordinance would allow for quick communication but would also allow for the Purchasing Agent to add the appropriation documentation later. However the CAO and Mayor would be responsible for approval. Atty. Pacacha said that a form would need to be created that would identify the item, the vendor, and the reasons for the emergency. This could be submitted to the Council with the appropriate documentation later. Discussion followed.

Council Member Bonney asked about the disciplinary language where it said "may". He wanted to know if the Council could define penalties like they do for fines. Council President McCarthy said that it would not be possible for a unionized employee and had not considered a non-unionized employee.

Council Member Bonney asked about what kind of statute of limitation for discipline was included. Council President McCarthy said that it would generally be about 2 years for discipline.

Council Member Bonney commented that it would be important that the person who signed off on a qualified purchase would need to know everything about a qualified purchase. Atty. Pacacha said that during the recess, Ms. Paul had explained that the staff's training was underway currently to address that issue.

Council Member Stafstrom said that this was a very large issue and this was an amendment to the purchasing ordinance. There needs to be more research on what is a qualified purchase

would be and what an emergency purchase would be. He said that he had come up with some substantive amendments to Exhibit#1 – 116-12. He then distributed copies of his amendments to the resolution.

**\*\* COUNCIL MEMBER STAFSTROM MOVED TO ADD HIS AMENDMENTS TO THE PROPOSED RESOLUTION TO THE RECORD AS EXHIBIT #3-116-12.**

**\*\* COUNCIL MEMBER BONNEY SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Council Member Stafstrom then gave a review of his proposed changes to the Committee and the process that would be used. He said that there needed to be a way to separate out a true unanticipated emergency from an emergency that was caused by employee delay. He said that in his opinion, the Council should not rush this through and do it right.

A question was raised about whether grant funding could be classified as an emergency. Atty. Pacacha explained that the loss of grant funding could become an emergency if it was involved securing the contractor for the proposed grant project. Discussion followed.

Council Member Paoletto said that he would still like to have a public hearing on this even though the item did not look like it would pass.

Council Member Vizzo-Paniccia said that she disagreed about having the public hearing before the item got out of Committee. She also has several questions about the details of the resolution, including the definition of an "emergency", who was the contracting officer, and the fact that it would go on for years on end.

Council President McCarthy said that currently there was no integrity affidavit and he felt that until the City had one, it would be one safe guard until the ordinance is fully reviewed. It is important to have a public hearing about the item.

**\*\* COUNCIL PRESIDENT MCCARTHY MOVED TO SCHEDULE A PUBLIC HEARING FOR 116-13 COUNCIL REVIEW AND POSSIBLE REVISIONS TO THE CITY'S PURCHASING AND PROCUREMENT ORDINANCE, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES BEFORE THE NEXT COUNCIL MEETING.**

**\*\* COUNCIL MEMBER MARTINEZ SECONDED.**

**\*\* THE MOTION FAILED TO PASS WITH TWO IN FAVOR (MCCARTHY AND MARTINEZ) AND FOUR OPPOSED (PAOLETTO, VIZZO-PANICCIA, BONNEY AND STAFSTROM).**

Atty. Anastasi said that the Purchasing Board could adopt the Integrity Affidavit as a procedural action.

**\*\* COUNCIL MEMBER STAFSTROM MOVED TO TABLE AGENDA ITEM 116-13 COUNCIL REVIEW AND POSSIBLE REVISIONS TO THE CITY'S PURCHASING AND PROCUREMENT ORDINANCE, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES.**

**\*\* COUNCIL PRESIDENT MCCARTHY SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **ADJOURNMENT**

**\*\* COUNCIL MEMBER STAFSTROM MOVED TO ADJOURN.**

**\*\* COUNCIL MEMBER BONNEY SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:41 p.m.

Respectfully submitted

Sharon L. Soltes  
Telesco Secretarial Services